AUTOMOBILE SHOW. AUDITORIUM-FEB. 19-26.

GERMAN-AMERICAN TARIFF AGREEMENT

Live Stock Question Withdrawn On Condition of Concessions To United States.

EACH PARTY IS THE GAINER.

Customs Administrative Regulations To be Applied to German Goods In Friendly Spirit.

merlin, Feb. 4.-Chancellor Bethmann

Von Hollwegg today sent to the reichstag the following communication regarding the German-American tariff The American government has declared that the live stock question is

withdrawn wholly from the negotiations on the condition that the unlimited enjoyment of Germany's conventional tariff be conceded to the United States. "It further agrees that the advan-

tages of the American minimum tariff shall be extended unrestrictedly to Germany after March 31. That the customs administration features of the existing tariff arrangement shall remain That this extension of the minimum

"That this extension of the minimum tariff to Germany secures to her treatment in accordance with the most favored nation clause.
"That the American customs administrative regulations shall be applied to German goods in a friendly and conciliatory spirit.
"That the present agreement respecting the labeling of wines shall remain in force; and.

in force; and,
"That the customs administrative
provisions respecting the marking of
goods shall be applied in a friendly and
concillatory spirit.

THE SEINE HAS FALLEN TEN FEET FROM CREST

Paris, Feb. 4.—The fail of the river selie was more rapid today. The appearance of the city is approaching the normal, but the subways system is still inoperative. Water remains in the tubes which after they have been empided must be cleansed and disinfected. The progress toward the restoration of the lighting, telephone and telegraph lines is slow. The work of disinfection and other preactions against an epidemic of typhoid have been so thorough that some of the mewspapers predict Paris will not only escape contagion, but will emerge from the flood cleaner than ever before.

The superintendent of sewers reports that from the examinations which has been able to make raw of the sewer mains durst, like rupture occurring in the branch pipes leading into buildings. Despite the attempts of some of the opposition papers to make it appear that dissensions prevail among the various relief organizations investigation indicates that all are co-operating with zeal. Foreign contributions to the relief fund today reached a total of about \$700,000.

At noon the Seine had falled 10 feet from its crest.

FIFTY SUBMARINES FOR PACIFIC COAST WANTED

Washington, Feb. 4.—Fifty submarines are wanted by the Pacific coast states and they propose that this fleet shall be built for the navy at the rate of 10 boats a year for the next five

of 10 boats a year for the next five years.

The delegations from California, Oregon and Washington, including all members of both the senate and the house, have made a definite program which will be presented to the house committee on naval affairs today.

Representatives Hayes, California; Ellis, Oregon, and Humphrey, Washington, were appointed by the Pacific coast delegations to lay their plans before the naval committee. The principal argument was made today by Mr. Hayes. He strengthened his position by quoting from the report of the naval board of atrategy and other government documents. ment documents.

AMERICAN DASH FOR THE SOUTH POLE

New York, Feb. 4.—Should the proposed dash for the south pole be undertaken by American explorers as proposed by Commander Peary, several members of the Peary polar quest probably will be selected as members of the expedition.

Dr. Herman C. Bumpus, of the American museum of natural history, is authority for the statement that Capt. Bartlett of the arctic ship Roosevel; Prof. McMillan, and George Borup, who were with Commander Peary, will be selected.

BOARD OF TEA EXPERTS.

Washington, Feb. 4.—Seey, MacVeagh of the department of commerce and labor has announced the members of the board of tea experts, whose duty it is to establish a standard of purity governing the importations of that article of merchandise during the calendar year 1816.

1840.

1840.

They are: George Hewlett, New York; Charies Atwood, Chicago; Edward II. Brandenstein, San Francisco; Fredetick Helliyer, Chicago; A. B. Irwin, Philadelphia; George II. Hacy, New York, and Herbert G. Woodworth, Boston, Mass.

Tea is on the free list, but a standard governing importations is made to keep out inferior and adulterated grades.

BODY OF LAST BROWDER MINE VICTIM FOUND

Drakesboro, Ky., Feb. 4.—After 52 hours' search the body of the last victim in the explosion of the Browder mine, which cost 24 lives on Tuesday, was found last night. This victim was Peter Kelly, mine boss, who had often described to his family how he would saye himself in just such a catastrophe as that on Tuesday.

DOMESTIC COMMERCE ON THE GREAT LAKES

Washington, Feb. 4.—Domestic commerce on the Great Lakes during the calendar year of 1999 aggregated 80, 574,665 tons of freight shipped between horts in this country alone. This tonage, while about one-third larger than for the year before, is about two and fone-half millions below the tonnage for 1997, the largest total in the history of the lake trade, according to a report

by the department of commerce and

by the department of commerce and labor.

The 1909 total does not include the volume of exports to Canada or the imports from Canada which were carried on the lakes nor does it include the volume of local commerce within the various ports. If these were included the department estimates that the total lake commerce for 1909 approximaed 90 millions of tons.

DESPONDENT OVER LOVER'S DEATH, COMMITTED SUICIDE

New York, Feb. 4.-"Well, I have done it," was the exclamation of Miss Jessie Spiller, daughter of a wealthy retired Brooklyn manufacturer today as she returned to the parlor after a moment's absence and fell unconscious at the feet of a caller in her father's home. Within an hour she was dead, from poisoning.

Miss Spiller was the victim of despondency over the death of the man she loved. done it," was the exclamation of Miss pondency she loved.

CHICAGO STREET CAR STEPS TO BE LOWER

Chicago, Feb. 4.-Chicago womer have won their fight for lower street car steps. Fifty new cars for the city car steps. Fifty new cars for the city railway company now being built in Philadelphia, it was announced yesterday, will be constructed so that the platforms will be at least one and a half inches lower than the present platforms. Cars which are being re-constructed will be made to meet the new specifications and all new cars will have their platforms lowered as they go to the car shops for repairs.

Under the new specifications Chicago street car steps will be lower than in any other large city in the country, where the standard set by the American association of street and interurban railways prevail.

MEAT TEN MONTHS OLD IN COLD STORAGE PLANT

Session of Hudson County Grand Jury Today.

New York, Feb. 4 .- The inquiry was pushed further in the cold-storage system matter in Metropolitan territory The reported discovery today. meat 10 months old in one of the plants across the Hudson has stimulated the interest of the New Jersey inquisitors and today's session of the

inquisitors and today's session of the Hudson county grand jury, which is investigating the Jersey City warehouses, promised interesting developments.

Prosecutor Garvan made it evident that he was looking for evidence in a conspiracy in an eort to make public the food products market house of the storage system.

Railroad officials were asked to produce before the grand jury way-bills and bills of landing showing the amount of stuff received and shipped by the various concerns over their limes in the last year. These will be compared with the books of the cold storage companies. In all metropolitan territory eggs seemed to be the only staple produce to show a downward tendency.

BLAMES WOMEN FOR INCREASE OF SUICIDE

New York, Feb. 4,-Woman is largely to blame for the considerable increase

to blame for the considerable increase in recent years of suicide and insane persons, in the opinion of Prof. Max G. Schlapp, who is delivering a series of lectures on public health before the New York academy of medicine.

"There are nearly twice as many cases of suicide and insanity at present as there were a generation ago. And the chief cause for these conditions is the steady invasion of woman into different sorts of industries, helped by the tension of the times in which we are living."

COLONEL ROOSEVELT ARRIVES AT NIMULE

Nimule, Uganda Protectorate, Feb. 4. -The Smithsonian African scientific expedition arrived here today on schedule time. All the members are in ex-

expedition arrived here today on schedule time. All the members are in excellent health. Before leaving Ehino camp in Belgian Congo, the hunters shot three more white rhinos, a buil buffalo and other game not before rereported. Kermit Roosevelt obtained some splendid photographs of a living rhinoceros. All were delighted with their visit in the Congo.

It is expected that no more game will be shot until Gondokoro is reached. The distance to that place from here over what is known as the upper road, the one which the party will traverse, is about 168 miles.

Col. Roosevelt's mail has brought him a number of requests to speak in European cities, but he will be unable to arrange for addresses other than those already promised. He expects to speak in Paris April 15, at the University of Berlin May I, and zoon afterward before the Nobel prize commission at Christiania. Col. Roosevelt was the recipient of the Nobel peace prize of 1906.

Col. Roosevelt will arrive in England, May 15 and soon after will deliver an address at Oxford university. He plans to return to New York about the middle of June.

The expedition probably will, get under way again tomorrow. The objective point is Gondokoro where a launch will be in waiting to take the party down the Bar-el-Jebel, the most southern tributary of the Nile, en route to Khartoum.

The members expect to arrive at Gondokoro on Feb. 17.

The members expect to arrive at Gondokoro on Feb. 17.

NO MORE BODIES RECOVERED. Primero, Colo., Feb. 4.—Although the rescuers at the main mine of the Colorado Fuel & Iron company have been working 'incessantly no more bodies have been recovered since late. Wednesday night. The bodies of the 22 victims which still remain in the mine are ouried beneath tons of fallen rock.

FIFTH AVENUE CHURCH TO HAVE ROOF GARDEN

New York, Feb. 4.-One of the fea tures of the new Fifth Avenue Baptist church, which is to be built here this

WHY BALLINGER SECURED COUNSEL

Committee Members Directed Chairman to Suggest Importance of Being Represented.

FOLLOWED THE ADVICE GIVEN

Asked for Postponement, Which Was Granted, but Not Until After Lively Discussion.

Washington, Feb. 4.-In order to permit the arrival in the city of counsel for Secy. Ballinger and to allow counsel to become familiar with the case, the Ballinger-Pinchot investigation committee adjourned its hearing today

until next Friday, Feb. 11. John J. Vertrees of Nashville, Tenn and Carl Rasch, formerly United States district attorney for Montana, have been selected to represent Secy Ballinger, Land Commissioner Dennet and Field Agent Schwartz in the Bal-linger-Pinchot controversy.

Louis R. Glavis, the star witness for the "prosecution," is to stay in the city until full opportunity for cross-examination is given. Members of the committee have questioned in desul-tory fashion but owing to a lack of familiarity with the subject they have peen considerably limited in their ques other than what Glavis has given vol untarily in response to questions fram-ed by the counsel representing himself and his backers.

Glavis has concluded all of his

original testimony. NELSON'S SUGGESTION.

It developed at the brief public ses sion of the committee today that under date of Feb 2. Senator Nelson, chairman of the joint committee, wrote to Secy. Ballinger saying he had been directed by the members to suggest to him the importance of being reprefashion such evidence as would be material to "the other side." Replying to this leter under date of

Feb. 31, Mr. Ballinger said he had fol-lowed the suggestion of the committee but that it would require several days for his attorney to reach Washington and some additional time to familiarize himself with the case. Mr. Ballinger said he had been of the

opinion that by not having counsel present he would be assisting the com-mittee or at least would not be hampering it, in making a full inquiry of its own.

its own.

In view of the suggestion by the chairman, however, he could do nothing but follow the recommendation of the committee. He asked that the further hearings he postponed until Monday, Feb. 14.

Following an executive session which lasted nearly an hour, the letters were read to the public and the adjournment until Feb. 11 ordered.

A LIVELY DISCUSSION.

It was said there had been a pretty lively discussion in the executive ses-sion over the question of the postpone-ment, some of the members of the com-mittee strenuously opposing any delay

mittee strenuously opposing any delay at this time.

Atty. Brandels, representing Glavis, made a somewhat heated complaint to the committee over the delay of the interior department in furnishing the documentary evidence called for by the "prosecution."

Mr. Ballinger might have "good and sufficient reasons" for withholding this evidence from examination by counset representing Glavis, but in view of his statements that he wanted a free and full investigation, he thought it incumbent upon him to furnish the evidence in installments as fast as it could be collected.

Chairman Nelson said it had been de-

collected.

Chairman Nelson said it had been decided at the executive session to request Secy. Ballinger to furnish the evidence in installments and that he would send him a letter to that effect and send it by special messenger today.

Paul Slemen, an attorney of this city, has been appointed secretary of the investigating committee.

PRESIDENT INTERESTED.

PRESIDENT INTERESTED.

The president has shown his active interest in the investigation of the controversy. He has insisted on the retention of counsel to represent the administration officers, Secy. Ballinger, Land Commissioner Dennett and Chief Field Agent Schwartz.

Today Secy. Dickinson brought to the White House John J. Vertrees, a lawyer of Nashville, Tenn. They talked with the president for half an hour and then Secy. Ballinger joined the conference which lasted for another hour.

At its conclusion, Secy. Ballinger, accompanied by Mr. Vertrees left the White House although the cabinet was just about to assemble, and proceeded to the interior department to confer with Messrs. Dennett and Schwartz.

The secretary refused to make any statement such as he had promised to publish earlier in the week, declaring that whatever he had to say in regard to the charge made against him by Mr. Glavis would be made under oath before the committee.

Mr. Vertrees was recommended by Secy. Dickinson, who vouched for his special abilities.

special abilities.

MINERS STILL DEADLOCKED.

Toledo, Ohio, Fef. 4.—Shill dead-locked on the question of seating the miners' delegates from Illinois with the operators of that state not participating the point wage conference of the miners and operators of Ohio, at noon today until afternoon with-out reaching the point of permanent organization.

organization.

The operators declared they would withdraw from the conference before they admitted the Illinois miners.

After much debate the matter was referred back to the committee on credentials which again disagreed and this afternoon reported to the conven-tion to that effect.

DEMUND GOES TO RAINEY FARM. Cotton Plant, Miss., Feb. 4.-Demund, the race horse for which Paul Rainey of New York paid \$45,000 as a 2-year-old, has been given to Roy Rainey and will be shipped to the Rainey farm in Virginia. The Relocation of the Salt Lake Route and the Big Fertile Territory it May Open Up Will be narrated in

-THE-

Saturday News

TOMORROW Other features of this issue will

INDUSTRIAL SOLDIERS OF FORTUNE-Thrilling incidents in the lives of some steel and bridge workers now at work on Salt trated.

An Asiatic Gladstone, a chat with Tuan Fang, China's great scholar viceroy, by Frank G. Carpenter, illustrated.

General Charles Lee, the arch traitor of the Revolution, illustrat-"Lidyaliada"-Remarkable story

of graft and intrigue in Russsia, Illustrated. English police court censors Bal-

Babies and Pet Dogs Help in the English General Election. Sensational Trial, etc., etc. Russian Treason

BOZE IS CAPTURED BY NICARAGUAN INSURGENTS

Managua, Feb. 4 .- Three hundred insurgents under command of Gov. Mazis, captured Boze, a town 60 mlies east of Managua, yesterday. The fighting last-

captured Boze, a town 60 miles east of Managua, yesterday. The fighting lasted two hours but the casualties are not known.

The town was defended by 75 government soldiers led by Col. Barquero. The latter were surrounded but fought their way through the insurgent lines, the survivors reaching the main body of the government body at Toustepe. The insurgents are advancing in three columns with an aggregate force of 1,000 men. President Madriz is confident that the advance will be checked at Tipitapa, 20 miles east of the capital. Five hundred additional men and a Maxim gun have been despatched to that point by the government.

Gen. Medina declares that the originals of Zelaya's telegrams instructing him to cause the executions of Groce and Cannon, the Americans, were surrendered to the former president before his departure for Mexico. Medina is corroborated by the telegraph operator when the originals were turned over by him at the request of Zelaya.

BINGER HERMANN TRIAL.

Portland, Or., Feb. 4.-After drawing statement from former Congressman Binger Hermann on cross-examination Binger Hermann on cross-examination that he had had merely officized relations with B. F. Allen, forest superintendent for California, Prosecutor Heney succeeded today in getting into the record several letters from Hermann to Allen in one in which the superintendent was thanked for presents of oranges "which were all the more gratefully received because they were raised by your own hands." Defendant's counsel vigorously contested the admission of these letters. Another letter introduced was written by Hermann admission of these letters. Another let-ter introduced was written by Hermann to Special Agent C. E. Loomis and told Loomis that the writer regretted the suspension of the special agent but was powerless to aid him, as it was the re-sult of an investigation by Secy. Hitch-cock's special inspector, A. R. Green.

SUGAR SCANDAL CASES FURTHER COMPLICATED

New York, Feb. 4.-The tangle in the sugar underweighing fraud cases was further complicated, if anything,

by the hearing in the United States court here today.

Counsel for Charles R. Heike, secretary of the American Sugar Refining company, while anxious to press the claim of immunity for his client on the ground that he had testified to the ground that he had testified to material matters before the grand jury, did not wish to imperil his case by risking a defeat in a trial of the facts and then finding his way to a motion to quash the indictment barred. It was finally agreed to leave it to Judge Martin to decide whether he would personally examine the minutes of the grand jury before which Heike appeared and then hear further argument.

REP. LEVERING DEAD.

Washington, Feb. 4.—Representative William C. Levering of Massachusetts died at his residence in this city at 9:20 o'clock this morning, aged 75.

PETITIONS FOR CLEMENCY.

Board of Pardons Will Hold Session at

Prison Next Thursday, The state board of pardons will listen at the state prison on the 10th inst. to the following petitions for of-

ficial clemency: For Pardon—J. E. Day, burglary, end degree; Charles Brown, petit ceny; Alexander Beckstead, viol. violating ceny; Alexander Beckstend, violating pure food law, James Jensen, attempted rape; Robert Turner, petit larceny; Geo. Hubbell, felony; Teos. Freeman, forgery; Frank Hall, attempted burglary; C. M. Scybolt, forgery. For Commutation—James Donaldson, grand larceny; S. E. Daley, burglary; Henry Watson, burglary; Walter Jones, obstructing rallway property.

RURAL ROUTE CARRIER

(Special to The News.) Washington, D. C., Feb. 4.—George E. Walton has been appointed rural carrier, Jesse A. Walton, substitute, Route 7, Salt Lake City.

WEATHER REPORT.

Generally Fair Tonight and Saturday, Rising Temperatures.

TODAY'S	5	TI	E) I	M	P	E	E	٤.	A.	r	U	I	3	E	S	
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OPENING GUN OF VAUDEVILLE WAR

Prospect of Two New Big Theaters Sets Real Estate Men Agog.

ORPHEUM TO BREAK GROUND

From Mission Theater to Old Orpheum on State.

With two big new theaters in prospect, the deals closed and closing the Salt Lake theatrical and estate-world is all agog and awaiting developments. The invasion of the Morris syndicate has brought the Orpheum syndicate to its toes and

Morris syndicate has brought the Orpheum syndicate to its toes and this morning it was announced that ground would be broken on the property to the north of the Studebaken building immediately. The plans for the new Orpheum are being prepared by the syndicate architect and the house is to be a reproduction of the San Francisco and Los Angeles houses with the one exception that the local theater will be somewhat smaller, with a seating capacity of 1,800 people.

Thursday a deal was closed between Samuel Newhouse and the Morris syndicate on the one hand, and the Thompson-Sterrett company on the other, in which terms were agreed upon for the erection of one of the finest theaters in the west to be erected at Third South and State streets, It is to cost something over a quarter of a million and is to be of surpassing elegance, according to tentative plans. It is being designed by Henry Ives Cobb, the architect of both the Boston and Newhouse buildings, Its completion is scheduled for Oct. 1.

ORPHEUM PLANS.

ORPHEUM PLANS.

An ironclad option is held for the property on which the new Orpheum is to be built, and at present there is a deal on which will materially modify the plans which have pertained heretofore. Instead of a 53-foot entrance, with the rear enlarging to metropolitan size, there is an apparently successful effort being made to acquire adjacent property which will give the Orpheum a total frontage of 153 feet. This will do away with the present plan of having an entrance, to one side of the main part of the building.

A number of innovations are to be introduced in the new Orpheum. The most radical is an upper gallery, with a capacity of 600, in which every seat will cost 15 cents. The management has considered this matter carefully and has determined that many more people would see the exhibitions provided there were more cheap seats. There are to be better accustics in the new theater and many up-to-date conveniences will be supplied which are lacking in the present playhouse.

OLD ORPHEUM'S TENANT.

lacking in the present playhouse.

OLD ORPHEUM'S TENANT.

The future of the present Orpheum has not as yet been determined. But with the reported consolidation of the Sullivan and Considine syndicate with the Orpheum circuit, it is almost a foregone conclusion that the present Mission theater will move into the present Orpheum. This will consolidate the vaudeville entertainment of the city—with the possible exception of the Morris people—into a circumscribed district on the upper part of State street.

"I don't know just when we will get started on the new house," said J. Howard Garrett, of the Orpheum circuit, this morning. There is to be a meeting in New York tomorrow which may have much to do with the general future of the circuit. Mr. Meyerfeld is there now and will be back through here within 10 days. Then the whole matter will be threshed out. We plan to go to work at once and expect to have the house up by the middle of the summer. Even if we don't, it will not discommode us, for we have our present house, which is ample to accommodate the warm season crowds.

"Frank J. Gustin, the attorney, is at present in St. Louis looking into the title of the property on which we have an option, the site upon which we are to erect our new theater. He is looking up some of the minor heirs, whose signatures we need. But we have an option which cannot by any possibility be broken. An option for the adjoining property is also in our possession, and we are in shape to go ahead with the erection of the new theater as soon as the weather will permit."

THE FIGHT IS ON.

THE FIGHT IS ON.

THE FIGHT IS ON.

Mr. Garrett talked at length upon the invasion of the Morris syndicate. "I don't see just how they can make a go of it," he said. 'The nearest theater which they have is at Chicago, and how they can make the big jump to Sait Lake is more than I can see. They have invaded Memphis, and quit. The same thing in Toledo. At New Orleans they have been playing to bad business, losing money every week. Yes, we have been fighting them right along, every place where they have invaded our territory. It has meant increased bills for us all around, but we have to do it as a matter of self protection. The business they get is so much less for us.

The business they get is so much less for us.

"In regard to that merger, I cannot say anything definite as yet. I don't think, really, that it will assume as great proportions as has been reported. The east has troubles of its own, as we have. The western country is essentially an Orpheum territory. It has always been so and we will fight any invasion, from any syndicate. Too large a circuit is a handiesp, as we cannot crowd all of them in during a season, and a season is about the length of any one attraction. The 'provinces,' in theatrical parlance, is the west. Cities of half the size of Salt Lake in the east have New York attractions which do not come to the mountain country for a year afterward. Some of them not for many years."

SAM NEWHOUSE SATISFIED.

SAM NEWHOUSE SATISFIED.

Mr. Garrett supplemented his remarks by saying that he did not think there was a possibility of the Morris people making good in Salt Lake until they had established a line of houses throughout the west. In contra-distinction to this, Water Hoff Seely, representative of the Morris people, says that they are in Salt Lake to stay and that nobody can drive them out. Samuel Newhouse, who is largely instrumental in placing the Morris people in the intermountain country, says that it is simply a business deal with him and that, he has signed with the Morris representative to build a theater for, and with, them. He avers that it is to be

one of the finest in the country and that he is perfectly satisfied with the representations of the Morris syndicate.

WARMER TOMORROW.

Weather Man Promises to Reform and Be Cheerful Once More

There was a rather severe drop in the temperature early this morning, the mercury falling to 14 degrees above zero. Then a cold, dense fog followed which did not lift until the middle of the morning. There is an high barometric area covering the entire Pacific slope again today so that the weather bureau feels warranted in predicting fair skies for Saturday, with a rising thermometer. The cold up north continues, with 16 degrees below zero at Lander. The weather office has rearranged its office with a view to enlarging the instrument room to accommodate the many school children who visit there to study the signal service work.

The temperatures have fallen generally over the entire country incident to the rising atmospheric pressure, which is due to the increased energy of the western high spreading rapidly over the east, although its center has remained stationary. Zero temperatures and below prevail in Wyoming, southern Idaho, and northern Nevada. The temperatures are now below normal, except locally, Light precipitation occurred at a few stations east of the Mississippi river, while west of this river none was reported.

TAKES PRISONER EAST

James H. Anderson, U. S. marshai, left late Thursday for Indianapolis, Ind., having in custody Joseph W. Phillips, who is wanted in the Hoosier capital on a charge of forgery. Phillips was a resident of Indianapolis, and it is alleged, forged a check for a small amount a number of years ago. He went to Fort Logan, Colo., where he enlisted. Later he was transferred to the Fifteenth infantry at Fort Douglas, where he was arrested several weeks ago. James H. Anderson, U. S. marshai

'MARRYING COUNT' STANDS HOT SIEGE

Small Army of Women Who Clain Him as Husband Visit Him in Jail.

New York, Feb. 4 .- Dr. Karl Emil Von Miller, or Mueller, the "marry-ing count," stood siege today in the Hudson county jail in Jersey City, by small army of women who claim him as husband.

Miller was brought to Jersey City vesterday from Los Angeles.

ried that a trial for bigamy on some 19 or 20 counts probably awaits him He was safe behind the bars and failed to display the nervousness he not unnaturally had exhibited when two women met him at the railroad station on his arrival and one of them, Miss Bertha Albrecht, throttled him and created a scene by her screams. Miss Albrecht claims the couns merely as a suitor who, when rejected, solaced himself with \$300 of her money, Miss Regina Vergina Belman declares the count married her in 1908 and that when he left her he took \$750 of her money.

Miller asserts he did not marry half of the women who declare he is their husband. He denies any acquaintance with Miss Albrecht. He was safe behind the bars and

CONFLICTING APPLICATIONS. The lands which were opened to en-

try along the borders of the Utah lake have caused all sorts of trouble in the land office. This morning Edward land office. This morning Edward Dunn, in charge of that end of the business, was driven distracted by four conflicting applications on the lake banks, valuable land. They were by Aaron T. Clayton, Charles E. Ward, Douris Davis, and Napoleon B. Coker. Mr. Dunn says that there will have to be a hearing to determine the rights.

PREST. WINDER IMPROVING.

Spends a Good Night and He Is Generally Better Today.

The condition of President John R. ring from siege of pneumonia, is today reported by Dr. Seymour B. Young to be im-proved. "President Winder spent a good night," he said, "and is much im-

BIRTHDAY OF C. W. PENROSE

Today Marks Seventy-eighth Anniversary of Veteran Editor and Churchma

Today is the birthday of Charles W. Penrose of the quorum of the twelve, who is president of the European mission with headquarters in Liverpool, Eng. Seventy-eight years old today, C. W. Penrose was born in Camberwell, then a suburb of London, and today he is back in his native land where he has been for the last three years. Prior to that time he was editor of The Deseret News. The staff joins with numerous friends in wishing the veteran editor many happy returns and a safe return to Utah when his labors are concluded. Today is the birthday of Charles W

JEANNETTE-FORD CASE.

State, Baffled, Suddenly Announced That It Rested.

Cincinnati, Ohlo, Feb. 4 .- An early losing of the case against Mrs. Jean nette Ford was presaged today when the state, frustrated in its attempt to get certain letters in evidence, suddenly announced that it rested.

Four officials of the Big Four whon

Four officials of the Big Four whom Charles L. Warriner mentioned yesterday as hawing cognizance of, or being in a position to discover, his shortage of 643,000, were subpoenaed by Mrs. Ford's lawyers.

L. J. Hackney, general counsel of the road, who is supposed to have Warriner's confession in his possesion; P. A. Hewitt, auditor of the road; Frank B. Comstock, Warriner's predecessor as local treasurer, and M. C. Horton, former paymaster, were summoned to testify.

Comstock has publicly denied War-

ton, former paymaster, were summoned to testify.

Comstock has publicly denied Warriner's statement that a shortage of \$10,500 existed when the office changed hands and Horton, according to the defaulting official, knew that discrepancies existed in the accounts.

Only two witnesses were examined today and to the disappointment of the spectators the testimony of Ida Brockway failed to develop the sensational incidents expected. She was so guarded in her remarks that the prosecution could get no satisfaction and the defense refused to cross-examine her.

The defense rested at 2:15. None of the witnesses summoned by it was present.

STEAMER KENTUCKY IN DEATH STRUGGLE

Battling Heavy Seas Two Hundred Miles From Cape Hatteras, Vessel Is Sinking.

CREW FIGHTING FOR LIFE

News of Desperate Plight Was Caught Up by Wireless-Aid Immediately Dispatched.

New York, Feb. 4.-The steamer Kentucky of the Alaska-Pacific Steamship company is sinking while struggling through heavy seas, 240 miles southeast of Cape Hatteras today, her captain and the 75 men of her crew meanwhile struggling to keep the vessel afloat until aid can reach her.

News of the Kentucky's desperate plight was received here in a patch from the United Wireless Telegraph company station at Cape Hat-

FIRST DISTRESS CALL.

The first distress call from the Kentucky was received by the Mallory line steamer Almo which immediately proceeded to the rescue, heading for latitude 32.18, longitude 76.43, where the Kentucky reported her position.

The message was the new interna-tional distress "S. O. S." signal, the most urgent call that can be sent for aid to a disabled craft.

The Kentucky was recently bought by the Alaska Pacific Steamship company from the Eastern Steamship company for the passenger trade between San Francisco, Seattle and Alaskan ports. She was fitted out here for her trip to the Pacific and just before her sailing a wireless apparatus was installed.

The Kentucky is somewhat over 200 The Kentucky is somewhat over 200 feet in length, is commanded by Capt, Moore and for her trip around the Horn, shipped a crew of 75 men. She salide from New York to Seattle on Jan. 22. Six hours after she passed Sandy Hook a wireless dispatch was received from her saying she was leaking badiy. Before she reached Newport Nows, where she put in for repairs, she nearly turned turtle during a heavy storm. Repairs were effected at the Virginia seaport and she salided on Feb. 2 in continuation of her long voyage.

BUFFETING THE SEAS.

Since her departure from Newport News the Kentucky found herself buf-feting seas which battered her sides and opened her seams. The weather off Hatteras has been very heavy re-cently and fears were expressed that the steamer might not successfully make the trip.

cently and fears were expressed that the steamer might not successfully make the trip.

T. A. McLarney, according to wireless reports, the operator who manipulated the key on the Kentucky between here and Newport News declined to continue with the steamer further, his place being taken by W. G. Maginnic, who sent out the distress call today. On board the ship when she left here was the superintendent engineer of the Alaska-Pacific company, E. Palaskette of Seattle, who superintended the refitting of the steamer at this port.

The Kentucky was built in 1897 at Bath, Maine, and named the Lincoln. She ran between Boston. Boston and Booth bay for the Kennebee Steamship company which sold her to the Flagler interests for service in Florida. The steamer's name was changed to the Martinique and after some service between the ports of Miami, Nassau and Key West, the Martinique was sold to the Eastern Steamship company for service between New York and Boston. She was then renamed the Kentucky.

WIRELESS STATION

WIRELESS STATION INTERCEPTED A MESSAGE

Charleston, S. C., Feb. 4.—The wire-less station here today intercepted a message from the steamship Ken-tucky, of the Alaska-Pacific line, on its maiden voyage from New York to Pacific ports, saying that it is sink-ing in latitude 32.18, longitude 76.14. The Mallory liner Almo proceeded with all haste to its assistance.

REVENUE CUTTER SERVICE GOES TO VESSEL'S AID

Washington, Feb. 4.—The United States revenue cutter Yamacraw is in the vicinity of the Kentucky and may have picked up her "C. O. D." According to the Kentucky's reckoning, she is about 120 miles east by south of Charleston.

is about 120 miles east by south of Charleston.

The revenue cutter service, informed of the sinking condition of the Kentucky by the Associated Press, gave immediate orderito the wireless stations at Savannah and Charleston to pick up the Yamacraw and order her to the vessel's assistance.

The Yamacraw left Savannah yesterday afternoon to hunt for a derelict reported in just about the latitude and longitude at which the Kentucky is sinking.

longitude at which the Kentucky is sinking.

The battleship Louisiana, now in the vicinity of Cape Hatteras on a speed trial, has been ordered to hasten to the assistance of the Kentucky.

Officers of the revenue cutter service have figured out the position of the Kentucky as being 210 miles from Charleston and they estimate the position of the revenue cutter Yamacraw as being within 50 miles of the sinking steamer. The Yamacraw, if she has not already learned through her wireless apparatus of the Kentucky's plight, will receive notification immediately through the coast wireless stations. She should cover the 50 miles under forced draught with three of four hours.

BURNED TO DEATH IN McKISSICK HOTEL, RENO

Reno, Feb. 4.—One man is dead and 100 guests were driven in terror from their rooms as a result of an early morning fire in the McKissick hotel to-day. The victim was suffocated by the dense smoke that filled the basement of the hotel, where the fire originated and was confined by the efforts of the fireman and the loss is estimated at about \$1,000. The dead man is August Schaefer, fireman at the hotel.

BANKER H. R. NEWCOMB DEAD.

Cleveland, O., Feb. 4.—H. R. New-comb, one of the best known bankers in this city, died today, aged 68 years.